

Respectfully submitted,

S/ Rose Ann Fleming
Rose Ann Fleming (0041337)
Rose Ann Fleming
Professional Legal Corporation
3855 Ledgewood Drive,
Cincinnati, OH 45207
513-924-8389
Attorney for Plaintiff

MEMORANDUM IN SUPPORT OF MOTION TO RESET

Plaintiff requested a stay of proceedings in this matter on or about March 28th, 2003, in the protective provisions of the Soldiers' and Sailors' Civil Rights Act ("SSCRA") of 1940 and as Amended in 1942. The Honorable Judge Dlott granted such stay on August 14, 2003.

Plaintiff has notified me today of his return to the Cincinnati area and of his desire to pursue his case or to settle it equitably.

On behalf of Plaintiff, therefore, undersigned Counsel requests the following:

1. The Court place this matter back on the docket.
2. The Calendar of Proceeding be adjusted with fairness so that no party is prejudiced.
3. The parties explore the possibility of reasonable settlement.

Respectfully submitted,

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Professional Legal Corporation
3855 Ledgewood Drive,
Cincinnati, OH 45207
513-924-8389
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true copy of the above was served by facsimile transmission to Defendant Cincinnati Gas and Electric's attorney, Julie L. Ezell, 1000 East Main Street, Plainfield, IN 46168-1782 (317-838-6001 fax; 317-838-1100, phone), and Defendant International Brotherhood of Electrical Workers, Local # 1347's attorney, Gary A. Snyder, 11 W. Monument Building, Suite 307, Dayton, OH 45402 (937-228-5248, fax; 937-228-2696, phone) on this 7^h day of November, 2003.

S/ Rose Ann Fleming
Rose Ann Fleming (0041337)

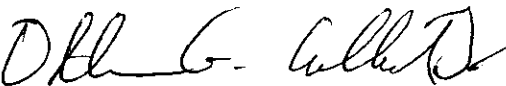
PLAINTIFF'S AFFIDAVIT IN SUPPORT OF MOTION TO RESET THE DOCKET

STATE OF OHIO)
)SS:
COUNTY OF HAMILTON)

I, Ollen Colbert, Jr., undersigned affiant, having been duly warned and cautioned, do hereby depose and state:

1. I am the Plaintiff herein.
2. I was called into active service as a member of the United States Navy, in March, 2003.
3. I am still in the U.S. Navy, but now back on leave with the understanding that I am not likely to be recalled to serve out of the Country, or even out of the jurisdiction of this Court, during the pendency of this action unless there is a drastic need of my services by the U.S. Navy
4. I returned to this semi-active status on or about October 31, 2003.
5. I asked my attorney on November 6, 2003, to resume my case against Defendants herein or to arrange, if possible, a reasonable settlement.

AFFIANT SAYETH FURTHER NAUGHT.


S/ Ollen G. Colbert, Jr.
Ollen G. Colbert, Jr.

Sworn to and subscribed in my presence on the 6th day of November, 2003.



S/ Rose Ann Fleming
NOTARY PUBLIC

My Commission expires: _____

ROSE ANN FLEMING, Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03

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